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Picker, Giovanni

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Sovereignty beyond the State:

Exception and Informality in a Western European City

Abstract

This article bridges debates on urban sovereignty and debates on urban informality, to argue that the relationships between sovereignty and informality may not exclusively lie in the way the sovereign state decides to allow or not informality, but in the ways sovereignty is distributed among a range of state and non-state actors. Drawing on fieldwork on the early-2010s management of displaced Romanian Romani families in two emergency camps in the city of Montreuil (France), the article shows how the NGO responsible for managing one camp acted as sovereign power over that camp, allowing a number of informal activities thrived inside the camp. By contrast, inside the other camp, which was managed by another NGO that smoothly implemented state directives, only formal activities were taking place. Building on Dean's (2010) concept of "disaggregated sovereignty", the article mobilizes this disjuncture as a case for critically examining the ways the "state of exception" takes shape beyond the state's grip. A subtext running throughout is the parallel between the first camps for civilians in 19th-century colonized territories, and 21st-century camps for Roma in Europe - both types of camps elicited a state of exception which was partially predicated on camp dwellers' perceived ethnic/racial homogeneity.

Contact: Giovanni Picker, Department of Social Policy, Sociology and Criminology, University of Birmingham, UK. G.Picker@bham.ac.uk

Introduction[1]

Sovereignty and globalization have been wrestling for some time. Under conditions of globalization, national sovereignty has been described as "complex" (Grande and Pauly, 2005), "variegated" (Ong, 2006), "disaggregated" (Dean, 2010), organized in "regimes" (Agnew, 2009), "waning" (Brown, 2010) and "crumbling" (Sassen, 2012). While some of these studies consider the downward rescaling of statehood and governance as a key phenomenon in the transformation of national sovereignty, sovereignty as an *urban* phenomenon has been considerably less analyzed.

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One of the first systematic analyses of sovereignty in cities is Davis and Libertum da Durren's (2011) collection focusing on ethnic and religious urban conflicts. In gathering studies from across the urban world, the authors argue that such type of conflicts is more the result of increasingly competing governing agencies in the city, than of alleged ethnic or religious incompatibilities. Legrand and Yiftachel (2013) have subsequently introduced informality into the study of sovereignty in cities. By focusing on two ethnically divided cities, i.e. Jerusalem and Sarajevo, the authors challenge the dominant view of the state as a monolithic authority whose sovereignty rests on its capacity to declare the "state of exception" (Agamben, 1998): in ethnically divided cities, they argue, the vagueness about "who rules, where?" crucially affects the production of space, and opens questions of urban informality.

This vagueness elicits the production of "gray spaces" (Yiftachel, 2009), which the authors ultimately propose as alternative to Roy's (2005) notion of urban informality. According to the geographer, urban informality is as an "organizing logic of urban transformation" (Roy, 2005: 148) in which only the sovereign state retains the power to allow or not informal arrangements. Due to its focus on only individual illegal activities, Legrand and Yiftachel (2013) claim that Roy's (2005) notion is unable to account for the responsibility of public authorities. Instead, in order to capture informality both from above (i.e. among ruling agencies) and from below (i.e. among urbanites), the notion of "gray spaces" is a better theoretical tool. While this criticism contributes to question and expand the notion of informality, it rests on the assumption that whenever an exception is in place, it is actually only the state which establishes it.

By contrast, in this article I argue that the relationships between sovereignty and informality may not exclusively lie in the way the sovereign state decides to allow or not informality, and what forms of informality, but in the ways sovereignty is distributed among a range of state and non-state actors. By drawing on fieldwork in the French city of Montreuil, I show how, following a humanitarian emergency, one NGO, along with some resident families, actually established a "state of exception" in an improvised camp, in which economic informality became a way for the encamped families to develop their own social networks and cope with radical socio-economic constraints.

By focusing on a Western European context, the article also contributes to challenge simplistic views of informality as a typical feature of urban peripheries in the Global South (Varley, 2013). In dialogue with recent debates on Global Urbanism (Roy and Ong, 2011; Robinson and Roy, 2016), and with the Introduction to this D&D, my case suggests that the

dichotomy North vs South does not help grasp the complexity of similarities and relations between localities globally, including across the North-South division (Peake, 2015).

Sovereignty, Exception and Informality

In Western political philosophy, sovereignty is traditionally understood as monolithic, absolute, and formal. In questioning this notion, Davis (2010) argues that, in practice, sovereignty may well include different layers and types of sovereign powers over the same territory. At the same time, as the author makes clear by analyzing Mexico's armed forces, the state is always in charge of the ultimate sovereign power. This point resonates with Ong's (2006: 7) understanding of sovereignty's flexibilization under conditions of rampant neoliberalism: "[I]n actual practice, sovereignty is manifested in multiple, often contradictory strategies that encounter diverse claims and contestations, and produce diverse and contingent outcomes". A certain "graded" or "variegated sovereignty," according to the author, is typically reached by resorting to the exception, which, as Schmitt (2003[1950]) first made clear, is the most distinctive trait of modern state sovereignty. The sovereign, Schmitt argues, is the one who has the power to impose exceptions to the rules.

Drawing on this notion of exception and sovereignty, Roy (2005: 149) described the conditions for urban informality: "The planning and apparatus of the state has the power to determine when to enact this suspension [i.e. the state of exception], to determine what is informal and what is not, and to determine which forms of informality will thrive and which will disappear." It is at this junction sovereignty, exception and informality, that it becomes clear that the state retains the sovereign power, although sovereignty is actually distributed among a series of state and non-state actors.

However, in practice, the state may not always be the agency actually imposing the exception. According to Dean (2010), in circumstances such as humanitarian emergencies, state officials may fall short of time and knowledge, and various "experts" may decide to take the lead. These "experts", in the process, may acquire a more or less partial sovereign power over a certain issue and a given territory, and may retain this power for a certain time. In echoing Ong's (2006) concept of "graded sovereignty", Dean (2010: 466; my italics) stresses the concept of "disaggregated sovereignty":

> Today, emergency response doctrines […] advocate a *disaggregated sovereignty* and a coordinated local and state response. To the extent that they locate key vulnerabilities in decaying infrastructure, areas of poverty and weak public health

> services, such doctrines can lead to more social welfare and health-care expenditure. In this sense, there might be an unsuspected politics of what kind of exceptional security measures should be implemented.

This excerpt quite literally describes the case and the phenomenon I discuss in this article. The Montreuil social integration project was an emergency response and welfare expenditure was channeled via two NGOs, each of them managing one "decaying infrastructure", i.e. one camp. The project involved a major sovereignty disaggregation between the municipality and one of the two NGOs, which took actual power over one camp, established a "state of exception" inside of it, and decided, along with some of the resident families, that therein informal economy could thrive.

Disaggregating Sovereignty

In July 2008, a squat caught fire in Montreuil, a city with 103,000 inhabitants in the North-eastern periphery of Paris. In the squat, about 250 people including children, adults, and elderly people were living in highly disadvantaged conditions; they all belonged to Romanian Romani communities, and arrived in France after Romania's 2007 EU accession. In the emergency following the fire, municipal authorities moved the people into two dilapidated and insalubrious camps in the city center. Over the course of 2009, the authorities set up a social integration project, called M.O.U.S., which officially started in early 2010 and was planned to last until the end of 2014. The M.O.U.S. (*Maîtrise d'Oeuvre Urbaine et Sociale* - Urban and Social Master Project) is a common policy model in France that consists in a collaboration, limited in time, between the state, the municipality and local civil society groups. The Montreuil M.O.U.S. had the only aim of social integration, i.e. incorporation of the relocated families into social housing, the labor market, public education and healthcare.

Meanwhile, in 2009, the municipality set up a third camp, equipping it with basic infrastructures such as water and electricity. It then moved all the families from one of the dilapidated camps to this newly-equipped camp, closed the empty camp, but left the families in the other, dilapidated, one. When in early 2010 the M.O.U.S. started, one NGO, which I name NGO A, started managing the newly-equipped camp, which I name Camp A, while NGO B started managing the old, dilapidated camp - Camp B.

NGO A started working in strict collaboration with the municipality. Its approach was pragmatic and result-oriented, and its main priority was to discipline the resident families, by having regular meeting with them, strict rules in the camp, and setting a clear plan with

deadlines and conditions to follow. The idea was that they would all learn French; send children to school; the father, the mother or both would find employment and, by doing so, they would become eligible for public housing. Hence, the ultimate goal was housing - learning French was a condition for finding a job, which was in turn the condition for finding housing. Once all families would get public housing, the camp could eventually be closed down. As an NGO A's employee told me during an interview, "We have five years for housing these families!".

Since the beginning of the project, NGO B adopted a diametrically different approach, and was disconnected from the municipality. While NGO A's priority was discipline, NGO B's philosophy was accompanying the encamped families through a social integration pathway tailored on each family. The main idea was "self-integration", meaning that families should decide themselves, without being forced, how to better organize their life within the French system, in order to learn how to access often-complicated bureaucratic apparatuses. The method was primarily based on listening to each family's priorities, and deciding together with them, modalities and time frame of each step of the way toward accessing healthcare, employment, schooling and housing. In the process, families were free to develop their own social networks in the city, welcome guests in the camp, dealing with informal economic exchanges and -indeed- being free to leave the project. In order to do this, the NGO assured that social worker employees would remain in the job for several years, so that they could establish continuity in following each family and individual.

According to this sharp divergence in approach, the two camps were organized in a very different way. Camp A was fenced by concrete walls, about two meters high. While the families living in the camp could enter and exit as they wished, for the first year, the camp was locked up - visitors could enter only on Tuesdays and Thursdays from 3pm to 6pm, and a personal ID document had to be left at the entrance. Discipline and rigorous rules imposed order in the camp. Residents could not move their caravans, nor construct canopies, and all economic activities inside the camp were banned. Indeed, the NGO's main goal was "re-housing these families," as the NGO leader told me in an interview. Alongside this chief aim, the NGO had also promoted collaborations with the Romanian municipalities where most of the families were coming from - the idea was to contribute to the creation of jobs and better conditions in Romania, so that the families in Montreuil could have found an alternative opportunity to staying in France.

NGO B, by contrast, kept entrances open and visitors could come in and out at any moment. The NGO allowed informal economic activities, primarily trade in scrap metal, to be

carried out inside the camp (Olivera, 2016). This was a way for the families to make the camp their own living space, and to develop their livelihood as they wished. And the idea of "self integration" inspired the process of camp refurbishment, in the summer of 2008, by directly involving residents in refurbishing work, allowing them to choose the positions of their caravans, to which they could attach canopies,, and generally leaving them space for freedom and self-organization. .

The municipality clearly preferred NGO A's result-oriented approach, and this led to a much stricter collaboration with this NGO rather than NGO B. According to one of the municipal authorities who were mostly active on the M.O.U.S., "NGO A is goal-oriented. This means that they do things in a rigorous way. Ultimately, their results are better [than those of NGO B]". He then explained to me, in the same interview, that "NGO B workers are traditional social workers. For them, it's not the result which matters, but the accompanying process [...] When I say 'traditional', I mean they have an old-style vision [of social integration]". This view, clearly favouring NGO A, led municipality authorities to distance themselves from NGO B and everything connected to Camp B. As a result, NGO B became the sole authority on Camp B.

The fact that NGO B, in practice, established an exception in Camp B by allowing informal economy to thrive there, accounts for a sovereignty sharply disaggregated between the municipality and NGO B. The municipality did not have, and did not want to have, any authority over Camp B. The only thing that mattered for the municipality, was that the social integration process would result in actual social integration. And this eventually happened - while less rapid and effective, NGO B delivered on its goals, and by 2015 more than half of the families eventually found a legal source of income and a sustainable housing solution outside Camp B.

The significant divergence between Camp A's strict discipline and Camp B's rather relaxed philosophy of social integration has been the background against which sovereignty became disaggregated and distributed between the state and NGO B. While municipal authorities worked in strict contact with NGO A, they distanced themselves from NGO B and its "old-style vision [of social integration]". This distance ultimately translated into a disaggregation of sovereignty whereby NGO B could establish a "state of exception" inside Camp B. It is precisely this disaggregation of sovereignty that opens a space for informality and ultimately accounts for a configuration in which non-state actors such as NGOs may gain sovereign power over a certain territory.

Conclusion

In dialogue with the literature on informality and sovereignty in urban contexts, this article has argued that the relationships between sovereignty and informality may not exclusively lie in the way the sovereign state decides to allow or not informality (as suggested instead by Roy (2005), and, with some variations, also by Legrand and Yiftachel (2013)); rather, it can also lie in the ways sovereignty is distributed among a range of state and non-state actors. In the case of the M.O.U.S. project in Montreuil, the power to establish a "state of exception" (Agamben, 1998) in one of the two camps for relocated Romanian Romani people was in the hand of one NGO, not the state.

One question that this configuration of sovereignty beyond the state elicits, is whether the conditions under which this particular exception was established are somewhat unique, or, instead, this type of disaggregated sovereignty might also happen where these conditions are not in place. The situation in Montreuil was rather peculiar - a humanitarian emergency following a fire which suddenly broke out in a squat hosting 250 people, including children and elderly people. Moreover, the camp within which the exception was established was the location which received no substantial refurbishment - as the municipal authority I quoted above told me, "We did not have the time to carry out any refurbishment [in Camp B], because [once we were able to refurbish the camp] the families were already there." An emergency mainly constituted by shortage of time, as well as shortage of space -i.e. no other camp or space was available- were important conditions.

In addition, this specific configuration of sovereignty beyond the state poses questions to at least two other "conceptual allies" of this Special Issue -- Governance and Legitimacy. One of these questions is whether, in light of informal governance in the Dutch context, it may be heuristic to talk about "disaggregated governance". Similarly, as legitimacy may be granted by non-state actors (see AUTHOR 7), "disaggregated legitimacy" might also be a helpful analytical tool for making sense of contemporary urban dynamics and their multiple similarities across policies, economies and ultimately the way power structures urban life. Hence, the challenges from which these questions arise seem to signal uncertainties and instabilities not only relating to sovereignty.

These unstable conditions evoke parallel with the first modern experiments with governance that occurred in contexts where sovereignty was no matter of negotiation but exclusively imposed -- the colonies. The case of Montreuil signals an even more concrete resemblance with colonial contexts inasmuch as its camp system recalls the first camps for

civilians which were experimented in late 19th-century colonized territories and typically for one ethnic group only (Agamben, 1998: 95; Bernardot, 2008; Picker, 2017: Chapter 4).

This observation about the importance of ethnicity allows a connection with Legrand and Yiftachel's (2013) reflection about the peculiarity of urban informality in ethnically divided cities. It may be claimed that if in a certain context ethnic homogeneity is questioned - e.g. by the significant presence of a minority in need of assistance, as in Montreuil, or by imposed urban divisions alongside ethnic lines, as in Jerusalem and Sarajevo- sovereignty and informality may combine in unattended ways. These include a combination of informality from above (authorities) and from below (urbanites), like in Jerusalem and Sarajevo, as well as informality beyond the state, like in Montreuil. Due to this contextual variety, more empirical studies on peculiar articulations of sovereignty and informality should probably be carried out.

Possible similarities between Sarajevo, Jerusalem and Montreuil also suggest the need for engaging critically with representations of cities in the Global South, especially of their peripheries, as parallel worlds of informal, confined and discredited urbanity, and by extension, of discredited humanity (Varley, 2003). Indeed, by symmetry to these dominant representations, cities in the wealthier North become the epitome of formality, property and moral righteousness. Therefore, analyses of local articulations of informality and sovereignty in specific urban settings, globally linked and compared to one another, also serve as critical analytical tools for questioning these dominant representations.

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